

State of California

Department of Education

# LAST MINUTE MEMORANDUM

**DATE:** September 3, 2004

**TO:** MEMBERS, STATE BOARD OF EDUCATION

**FROM:** Judy Pinegar, Deputy Superintendent  
CDE Waiver Office

**RE:** Item No. W-28

**SUBJECT:** Request by various chartering agencies under the authority of *Education Code* (EC) section 33050 to waive EC 47605(a) regarding school district jurisdiction as related to new charter schools, EC 47605.1(c)(1) regarding classroom based charter sites in adjacent counties, and EC 47605.1(c)(2) regarding geographic limits on resource centers for non-classroom based charter schools pertaining to geographic limits as related to adjacent counties and other school district jurisdictions and Title 5 CCR Section 11960(b), related to charter school attendance accounting when a charter has multiple tracks.

The California Department of Education (CDE) Waiver Office has received four waivers to be processed under this placeholder.

Two waivers are related to geographic and district jurisdiction limits:

**Waiver Number: 1-9-2004** Request by **Grant Joint Union High School District** for **Futures High School Charter** and **Grant Community Outreach Academy Charter** under the authority of *Education Code* (EC) section 33050 to waive *Education Code* (EC) Section 47605(a)(1) & 47605.1(a)(1), Geographic Provisions of AB 1994 to operate a classroom-based site in another school district's jurisdiction.

Recommendation: Approval on a temporary basis for the 2004-05 school year only

Summary: Grant Joint Union High School District on behalf of Grant Community Charters, consisting of Grant Community Outreach Academy and Futures High School, is requesting a waiver to serve out-of-district, classroom-based students at a former California Charter Academy (CCA) site in the Elk Grove Unified School District. Note that both districts are located in Sacramento County. The closed CCA site was serving a population of approximately 230 Russian-Ukrainian students. This population of students is similar to those in closed CCA sites within the Grant district, which will now also be serviced through Grant Community Charters. The Grant district and its charter schools are committed to support these displaced students. The Superintendent of the Elk Grove School District supports this waiver request (see attached letter from Dr. Larry Buchanan, Superintendent, Grant Joint Union High School District).

All legal conditions of the waiver request have been met (see attached waiver request).

**Waiver Number: 3-9-2004** Request by **Mineral Elementary School District** for **e-Scholar Academy Charter** to waive *Education Code* (EC) Section 47605.1(c), Geographic Provisions of AB 1994 which requires that a majority of students must reside in the county of authorization in non-classroom based charters.

Recommendation: Approval on a temporary basis for the 2004-05 school year only.

Summary: Mineral Elementary School District in Tehama County on behalf of eScholar Academy Charter School is requesting a waiver to serve students formerly served by a closed CCA resource center in Gridley, Butte County. eScholar Academy Charter operates an independent study program, and has two resource centers in Tehama County and although EC 47605 does authorize the charter to operate in contiguous counties, EC 47605.1(c)(2) limits the ADA claimed from contiguous counties to less than the ADA served in the sponsoring county. In 2003-04 eScholar Academy charter served 47 students, and the former CCA site in Butte County had been serving 180 students. The waiver of EC 47605.1(c)(2) is needed for one year so that eScholar may serve these students while other options may be found for the students in Butte County. See attached letter of support from Frank Cook, City of Gridley.

All legal conditions of the waiver request have been met (see attached waiver request).

Two of the four waivers are related to how a multi track charter school may count attendance.

**Waiver No: 2-9-2004** Request by the **Grant Joint Union High School District** for **Futures High School Charter** and **Grant Community Outreach Academy Charter** under the authority of *Education Code* (EC) Section 33050 to waive Title 5 CCR Section 11960(a), related to charter school attendance accounting.

Recommendation: Approval on the condition that: 1) Grant Joint Union High School District for Futures High School and Grant Community Outreach Academy Charter School will report attendance for a maximum of two tracks; 2) each track will provide a minimum of 180 days; 3) the charter will operate programs that will meet the instructional minute requirements of *Education Code* (EC) Section 46201(a)(3); and 4) no track will have fewer than 55 percent of its school days prior to April 15; 5) the average daily attendance will be calculated in the same manner as is required of non-charter schools on multi-track year-round education calendars; 6) waiver is for the 2004-05 fiscal year only.

Summary: As a result of the sudden closure of the CCA, Grant Community Charter Schools has initiated an expansion of enrollment in order to maintain the continuity of school enrollment for this population. CCA original calendar was scheduled to begin on September 13, 2004, while Futures High School and Grant Community Outreach Academy opened on August 24, 2004 (Track A). In order to smoothly transition the student population, minimize administrative disruption and ease this already rapid transition, they are proposing a second calendar track starting Sept. 13 (Track B) for students in the former CCA site on Jackson Road.

All legal conditions of the waiver request have been met (see attached waiver request including the calendar for both proposed tracks).

**Waiver Number: 4-9-2004** Request by the **Mineral Elementary School District** for **eScholar Academy Charter School** under the authority of *Education Code* (EC) section 33050 to waive Title 5 CCR Section 11960(a), related to charter school attendance accounting.

Recommendation: Approval on the condition that: 1) Mineral Elementary School District for eScholar Academy Charter School will report attendance for a maximum of two tracks; 2) each track will provide a minimum of 180 days; 3) the charter will operate programs that will meet the instructional minute requirements of *Education Code* (EC) Section 46201(a)(3); and 4) no track will have fewer than 55 percent of its school days prior to April 15; 5) the average daily attendance will be calculated in the same manner as is required of non-charter schools on multi-track year-round education calendars; 6) waiver is for the 2004-05 fiscal year only.

Summary: As a result of the sudden closure of the CCA, Gridley site, eScholar Academy Charter Schools, a non classroom based charter, has initiated an expansion of enrollment in order to maintain the continuity of school enrollment for this population. CCA's original calendar was scheduled to begin on September 13, 2004, while eScholar Academy Charter opened on August 23, 2004 (Track A). In order to smoothly transition the student population, minimize administrative disruption and ease this already rapid transition, they are proposing a second calendar track starting Sept. 13 (Track B) for students in the former CCA site in Gridley, Butte County.

All legal conditions of the waiver request have been met (see attached waiver request including the calendar for both proposed tracks).